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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,532	09/22/2003	Sean M. Megley	16190-002001	9933
26161 7590 06/30/2009 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER MESFIN, YEMANE	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 06/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b> (For use in the First Action Interview Pilot Program)	<b>Application No.</b> 10/667,532	<b>Applicant(s)</b> MEGLEY, SEAN M.	
	<b>Examiner</b> Yemane Mesfin	<b>Art Unit</b> 2444	Page 1 of

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

**This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).**

☐ Applicant's request to not have a first-action interview is acknowledged.

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/23/2008 and interview conducted on \_\_\_\_.
- 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 3) ☒ Claim(s) 1-10, 13, 15-18, and 20-24 is/are pending in the application.  
 3a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 5) ☒ Claim(s) 1-10, 13, 15-18, and 20-24 is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-3927  
 Examiner's Typical Work Schedule: 9:30 AM -7:00 PM  
 Supervisor's Name: William Vaughn  
 Supervisor's Telephone Number: 572-272-3922

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

<b>Office Action Summary</b>	<b>Application No.</b> 10667532	<b>Applicant(s)</b> MEGLEY, SEAN M.	
	<b>Examiner</b> Yemane Mesfin	<b>Art Unit</b> 2444	<b>Page 2 of</b>

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
	1-10, 13, 15-18, and 20-24	See attached action.	See attached action.	See an office action attached herein.

Expanded Discussion/Commentary		
<b>DATE:</b>	<b>Examiner Signature:</b>	<b>Primary Examiner Signature:</b>

## DETAILED ACTION

1. The response received on 12/23/2008 has been entered and made of record. Claims 1-10, 13, 15-18, and 20-24 are pending.

### *Drawings*

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the informal drawings submitted on 09/22/2003 are not properly legible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 13, 15-18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visser et al. (US 20030153991 A1) hereinafter referred to as Visser in view of Supielmann et al., (US Patent # 7,113,914) hereinafter referred to as Supielmann.

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As per claims 1, 9, and 17, Visser disclosed (exemplary claim 1) a computer-implement compliance management method for estimating an extent to which a plurality of enterprise elements comply with applicable rules (Abstract, ¶ 0021-0024 and ¶ 0034, compliance management methodology), the method comprising: providing an enterprise knowledge-base containing information representative of enterprise elements (¶ 0050, “the rule database 24b of rules associated with at least one of the one or more characteristic data for the elements” stored on element data base # 22b in Fig. 1a ); providing a rules knowledge-base containing information representative of applicable rules (¶ 0050, ...rules associated with characteristic data for the elements and ¶ 0057, rules data base having therein rules corresponding to the elements data base storing therein elements information); defining a first set of rule associations between a first subset of the applicable rules and a first subset of the enterprise elements; defining a second set of rule associations between a second subset of the applicable rules and a second subset of the enterprise elements (¶ 0053 & ¶ 0063, subsets of rules associated with sub sets of the elements), assigning compliance scores to the first set of rule associations, the compliance scores being indicative of an extent to which the enterprise elements from the first subset of enterprise elements comply with the applicable rules, assigning compliance scores to the second set of rule associations, the compliance scores being indicative of an extent to which the enterprise elements from the second subset of enterprise elements comply with the applicable rules (¶ 0053, assigning appropriate compliance value indicating degree of compliance status of monitored network element(s) accordingly), and providing, to a compliance officer, a tangible output representative of the extents (¶ 0073, upon determination of compliance status of the plurality of elements, a corrective action is carried, where the corrective action is performed upon determination of out-of compliance elements, for example by generating a report for the appropriate personnel management).

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Visser substantially disclosed the invention as recited. However, Visser does not explicitly address assigning compliance scores for each individual enterprise elements for display to a user to indicate the element's degree of compliance. However, as evidenced by the teachings of Supielmann assigning compliance scores for each individual enterprise elements for display to a user to indicate the individual element's degree of compliance was known at the time the invention was known at the time the invention was made (see Supielmann Column 9, Lines 49-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Supielmann related to calculating individual compliance score and have modified the teachings of Visser related to compliance management in order to facilitate isolating weak (i.e., non compliant) spots and facilitating the ability to predict future levels of compliance (Supielmann at al., Column 9, Lines 56-60).

As per claims 2, 10 and 18, the already combined teachings of Visser and Supielmann disclosed graphically displaying the compliance scores (Visser ¶0029, computer interface for **displaying** the compliance status... and ¶0106).

As per claim 3, already combined teachings of Visser and Supielmann disclosed, wherein displaying the compliance scores comprises displaying a cardinality of rule associations having a selected range of compliance scores (Visser ¶0029 & ¶0077).

As per claims 4 and 20, the already combined teachings of Visser and Supielmann disclosed, wherein displaying the compliance scores comprises displaying a histogram chart of a cardinality of rule associations having each of a plurality of ranges of compliance scores (Visser ¶0029 and ¶0106, displaying the compliance value and Supielmann Figs 6-7).

As per claims 5, 13 and 21, already combined teachings of Visser and Supielmann disclosed the displaying a tree view of the enterprise knowledge-base (¶0029 and Fig. 6a # 301 tree view).

As per claims 6 and 22, already combined teachings of Visser and Supielmann disclosed, wherein displaying the tree view comprises displaying a compliance indicator in association with an enterprise element, the compliance indicator being indicative of a compliance score associated with the enterprise element (¶0053, assigning appropriate compliance value indicating degree of compliance status of each monitored network elements determining out-of compliance elements accordingly).

As per claims 7, 15 and 23, the already combined teachings of Visser and Supielmann disclosed associating remediation policies with the rule associations (Visser ¶0063-0064 and ¶0106).

As per claims 8, 16 and 24 already combined teachings of Visser and Supielmann disclosed providing a graphical user interface for controlling the citation process and the evaluation process (Visser Figs. 3a-3f, ¶0063-0064 and ¶0106).

### *Response to Arguments*

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection, which better address the claims as applied above.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Mesfin whose telephone number is (571)272-3927. The examiner can normally be reached on 9:30 AM -7:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 572-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information As per the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yemane Mesfin/  
Examiner, Art Unit 2444